



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141

SUMMARY MINUTES – DECEMBER 18, 2007

MID MONTH BOARD MEETING MINUTES

December 18, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members present:

Sean Harrigan, President
Anne Sheehan, Vice President
Maeley Tom, Member
Pat Clarey, Member
Richard Costigan, Member

2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose

- Paul Ramsey has joined the SPB as the new Chief Administrative Law Judge from the Department of Fair Employment and Housing.
- SSA exam report
 - 11,480 (86.81%) successfully passed the exam
 - 1,745 (13.19%) were unsuccessful
 - 1 individual is in Rank 1
 - The next 3 ranks contain those with veteran's points only; currently there are 12 individuals in those ranks
 - 1,472 individuals are in Rank 5
 - 275 candidates have been hired off the SSA list
 - 5 SROA candidates have been added to the top of the SSA list
- 2008 Board calendar
 - Members discussed 2008 Board meeting dates identified and possible conflicts.
- Met with advocates for the visually impaired to address some concerns they have regarding our LEAP program and website. SPB plans to hold a focus group with not only the visually impaired but also individuals with other disabilities, which will help SPB identify barriers to our services.

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

- SPB received a favorable decision on a Superior court case Shubert vs. State Personnel Board. This was a parole agent was fired for bringing in prison-made weapons that she could plant them on certain inmates. The court sustained the

dismissal and the SPB decision, supporting SPB's findings regarding credibility and upheld penalty.

4. NEW BUSINESS

NONE PRESENTED

5. REPORT ON LEGISLATION – Sherry Evans

The Board voted to take “no position” on proposed legislation Department of Veterans Affairs legislation that would give veterans who have retired from active military service, or who were honorably discharged from active duty with a service-connected disability, access to civil service promotional examinations.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.
[Government Code sections 11126(c)(3) and 18653]

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded and submitted decisions; petitions for rehearing; and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself. [Government Code sections 11126(c)(3) and 18653]

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653]

Patrick McCollum v. State of California

United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

United States District Court, Northern District of California
Case No. C01-1351

Colocousis, et al. v. State Personnel Board, et al.

Sacramento County Superior Court Case No. 07CS00461

9. RECOMMENDATIONS TO THE LEGISLATURE

NO ACTION

10. RECOMMENDATIONS TO THE GOVERNOR

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE FOR JANUARY 7-8, 2008, IN SACRAMENTO, CALIFORNIA

12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES FROM NOVEMBER 20, 2007, BOARD MEETING

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

13. EVIDENTIARY CASES

ACTION: See Minutes on Pages 9-14

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

15. NON-EVIDENTIARY CASES

ACTION: See Minutes on Pages 14-17

16. NON-HEARING CALENDAR

On December 18, 2007, the following proposals were presented to the Board by Elise Rose, Chief Counsel, California State Personnel Board.

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

NOTE: Vice President Sheehan recused herself from the CalSTRS item.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

CALIFORNIA STATE TEACHERS RETIREMENT SYSTEM (CALSTRS)

The California State Teachers Retirement System (CalSTRS) proposed the establishment of a new classification titled Investment Operations Director, CalSTRS, with a 12-month probationary period.

DEPARTMENT OF WATER RESOURCES (DWR)

The Department of Water Resources (DWR) proposed the establishment of two new classifications titled Planner/Scheduler I and II, DWR, with 12 month probationary periods and reallocation of specific existing employees.

PROPOSED CORRECTION TO THE ALTERNATE RANGE CRITERIA 11, RANGE 7

The Department of Personnel Administration proposed a board item to correct classification titles, which continued typographical errors when originally proposed and adopted on November 20, 2007.

PROPOSED CORRECTION TO VARIOUS CLASSES – BARGAINING UNIT 07

The Department of Personnel Administration proposed a board item to correct classification titles, which were typed incorrectly in the original board item adopted on November 20, 2007.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

**CHIEF, MANAGEMENT AND STAFF SERVICES BRANCH,
DEPARTMENT OF SOCIAL SERVICES (DSS)**

The Department of Social Services proposes to allocate the above position to the CEA category. The Chief is responsible for a variety of support services to all units in the department. The services, as well as the policies necessary to implement them include regulations development, administrative services, public inquiry and response, coordination of all internal and external audits and the administration of the federal and state mandated disaster and emergency response/recovery programs delegated to DSS. Additionally, the Chief plans, organizes, and directs the work of three bureaus in the branch: the Administrative Services Bureau, the Disaster and Client Services Bureau, and the Business Services Bureau.

**DEPUTY DIRECTOR, ADMINISTRATION DIVISION, LEGISLATIVE
COUNSEL BUREAU**

The Office of the Legislative Counsel proposes to allocate the above position to the CEA category. This position is responsible for the overall management and operations of the Administration Division in the areas of accounting, budgeting, business services, communications management, facilities management, fiscal analysis, human resources, and management analysis. As a member of the executive management team, this position participates in the development, implementation, and evaluation of agency policies and procedures. This position establishes and attains the agency's goals and objectives developed to achieve its mission and vision through subordinate staff.

**DEPUTY PROJECT DIRECTOR, WORKFORCE MANAGEMENT HR
MODERNIZATION PROJECT, DEPARTMENT OF PERSONNEL
ADMINISTRATION**

The Department of Personnel Administration proposes to allocate the above position to the CEA category. This position is a member of the HR Modernization Project responsible for workforce planning, performance management, and training. Policy decisions will have significant statewide impact. Specific areas of major policy and program development include a significant role in developing and implementing statewide policy for civil service reform.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

DIRECTOR, WATER QUALITY DATA PROGRAMS

The State Water Resources Control Board's request to allocate the above position was approved effective November 30, 2007.

ASSISTANT DIRECTOR, CLIMATE CHANGE INITIATIVES

The California Energy Commission's request to allocate the above position was approved effective November 30, 2007.

ASSISTANT CHIEF COUNSEL, LEGAL AFFAIRS DIVISION

The Board of Equalization's request to allocate the above position was approved effective November 30, 2007.

ASSISTANT CHIEF COUNSEL, TAX & FEE PROGRAMS DIVISION

The Board of Equalization's request to allocate the above position was approved effective November 30, 2007.

DIRECTOR OF HEALTH INFORMATICS

The Department of Veterans Affairs' request to allocate the above position was approved effective November 30, 2007.

CHIEF INFORMATION SECURITY OFFICER

The Department of Transportation's request to allocate the above position was approved effective November 30, 2007.

CHIEF, DIVISION OF STAFF DEVELOPMENT AND STRATEGIC PLANNING

The Department of Transportation's request to allocate the above position was approved effective November 30, 2007.

ACTION: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(c)(3), 18653.]

NO ACTION

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

22. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 18-19

A D J O U R N M E N T

WHAT FOLLOWS IS A RECORD OF ACTIONS TAKEN ON AGENDA ITEMS AS NOTED ON PAGE 4

13. EVIDENTIARY CASES

The Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items were taken under submission by the State Personnel Board at a prior meeting.

On December 18, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 06-3014PA

Appeal from official reprimand

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.

Transcript prepared.

Pending oral argument October 9, 2007, Sacramento.

Oral argument continued.

Oral argument heard December 4, 2007, San Francisco

Case ready for decision by FULL Board.

NO ACTION

- (3) **CASE NO. 06-1413PA**
Appeal from five percent reduction in salary for six months
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted August 7, 2007.
Transcript prepared.
Oral argument heard December 4, 2007, San Francisco.
Case ready for decision by FULL Board.

NO ACTION

- (4) **CASE NO. 06-2010A**

Appeal from medical termination
Classification: Administrative Support Coordinator II
Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.
Transcript prepared.
Oral argument heard August 7, 2007, Pasadena.
Case ready for decision by FULL Board.

NO ACTION

- (5) **CASE NO. 05-1043P**

Appeal from dismissal
Classification: Tax Counsel, Range D
Department: Board of Equalization

Petition for rehearing granted June 5, 2007.
Transcript prepared.
Oral argument heard October 9, 2007, Sacramento.
Case ready for decision by FULL Board.

NO ACTION

- (6) **CASE NO. 07-003 (b)**

Appeal from Executive Officer's disapproval of contract
Classification: Janitorial Services
Department:

Petition for rehearing granted May 8, 2007.
Oral argument heard September 4, 2007, Sacramento.
Case ready for decision by FULL Board.

NO ACTION

(7) PSC NO. 07-04

Appeal from Executive Officer's disapproval of Personal Services
Contract for Psychological Services

Department: Department of Mental Health

Oral argument heard December 4, 2007, San Francisco.
Case ready for decision by FULL Board.

NO ACTION

**B. CASES PENDING
ORAL ARGUEMENTS**

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

NONE

STIPULATIONS

NONE

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED
DECISIONS.**

These are ALJ proposed decisions that were submitted to the
Board for the first time.

On December 18, 2007, the Board took the following action on the
following cases as presented by Elise Rose, Chief Counsel,
California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

- (1) **CASE NO. 06-3553**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (2) **CASE NO. 06-2619**
Appeal from rejection during probationary period
Classification: Food Service Technician I
Department: Department of Mental Health
ACTION: The Board adopted the ALJ's Proposed Decision
- (3) **CASE NO. 06-4266**
Appeal from five percent reduction in salary for six pay periods
Classification: State Fair Police Officer
Department: California Exposition and State Fair
ACTION: The Board adopted the ALJ's Proposed Decision
- (4) **CASE NO. 06-2734**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (5) **CASE NO. 03-3737E**
Appeal from denial of discrimination/retaliation complaint
Classification: Apprenticeship Consultant
Department: Department of Industrial Relations
ACTION: The Board adopted the ALJ's Proposed Decision
- (6) **CASE NO. 06-2737**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision, but asked that the Chief Counsel's Office issue a clarifying resolution.
- (7) **CASE NO. 05-1783**
Appeal from dismissal
Classification: Officer
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision

- (8) **CASE NO. 06-4147**
Appeal from ten working day's suspension
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the Proposed Decision and remanded to the ALJ for credibility determination
- (9) **CASE NO.07-1066**
Appeal from five percent reduction in salary for six months
Classification: Transportation Engineer (Civil)
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision
- (10) **CASE NO. 06-4207**
Appeal from dismissal
Classification: Psychiatric Technician Assistant
Department: Department of Developmental Services
ACTION: The Board adopted the ALJ's Proposed Decision
- (11) **CASE NO. 07-1912**
Appeal from dismissal
Classification: Physician and Surgeon (Correctional Facility)
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (12) **CASE NO. 07-1512**
Appeal from a one-step reduction in salary for six months
Classification: Psychiatric Technician
Department: Department of Mental Health
ACTION: The Board rejected the Proposed Decision and remanded to the ALJ for clarification of whether the appellants sought authorization to bring in the EPI-PEN.
- (13) **CASE NO. 07-0035**
Appeal from five percent reduction in salary for six months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

NONE

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On December 18, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

(1) CASE NO. 07-0850A

Appeal from non-punitive termination

Classification: Clinical Social Worker

Department: Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.

Transcript prepared.

Oral argument set for February 4-5, 2008, Sacramento.

(2) CASE NO. 05-3327A

Appeal from dismissal

Classification: Medical Technical Assistant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.

Transcript prepared.

Oral argument set for February 4-5, 2008, Sacramento.

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On December 18, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - Aye

- (1) CASE NO. 06-3102N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; an arrest/conviction record.
ACTION: DENIED
- (2) CASE NO. 06-3097N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; two citations and an arrest/conviction record.
ACTION: DENIED
- (3) CASE NO. 06-3130N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; illegal drug usage.
ACTION: DENIED
- (4) CASE NO. 06-3212N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failure to provide accurate and truthful employment information.
ACTION: DENIED
- (5) CASE NO. 06-2660N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; termination of employment within one year of application.
ACTION: DENIED

- (6) **CASE NO. 06-2661N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failure to respond to requests for documentation.
ACTION: DENIED
- (7) **CASE NO. 06-1824N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; three Driving Under the Influence convictions.
ACTION: GRANTED
- (8) **CASE NO. 06-3143N**
Classification: Youth Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; omitting pertinent employment information.
ACTION: DENIED
- (9) **CASE NO. 06-3087N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; termination of employment within one year of application.
ACTION: DENIED
- (10) **CASE NO. 06-2542N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; termination of employment within one year of application.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

- (1) **CASE NO. 06-1585N**
Classification: Cadet, CHP
Department: California Highway Patrol
Issue: Suitability; deficits in judgment, maturity and recent underage drinking.

ACTION: ADOPTED

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

NONE

E. REQUEST TO FILE CHARGES CASES

NONE

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. **TEACHER STATE HOSPITAL (SEVERELY), ETC.**
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
2. **VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
3. **TELEVISION SPECIALIST (SAFETY)**
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public safety aspect of the job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).
4. **PERSONAL SERVICES CONTRACT #04-03**
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004).
5. **STATE PERSONNEL BOARD REGULATIONS AFFECTING EQUAL OPPORTUNITY**
Proposed new and revised State Personnel Board Regulations affecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004).
6. **CASE NO. 05-4007EA**
Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007).
7. **CASE NO. 06-3023A.** Appeal from ten percent reduction in salary for three months. Psychiatric Technician. Department of Corrections and Rehabilitation. (Oral argument held on August 7, 2007).
8. **CASE NO. 06-2010A.** Appeal from medical termination. Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007).

9. **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract entered into by the Department of Health Services. (Oral argument held September 4, 2007).
10. **CASE NO. 07-1969** Appeal from 5 day suspension. Officer. California Highway Patrol. (Case taken under submission on October 22, 2007).
11. **LIFEGUARD (PERMANENT /INTERMITTENT) CLASSIFICATION**
Proposed establishment of the Lifeguard (Permanent Intermittent) classification, with a six month probationary period and designation of the class as sensitive for the purpose of pre-employment drug testing. (Hearing held November 5, 2007).
12. **REGISTERED NURSE CORRECTIONAL FACILITY CLASSIFICATION**
Proposed change to the probationary period for the Registered Nurse, Correctional Facility class from six to twelve months. (Hearing held November 5, 2007).
13. **CASE NO. 06-3014PA.** Appeal from official reprimand. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held December 4, 2007).
14. **CASE NO. 06-1413PA.** Appeal from five percent reduction in salary for six months. Registered Nurse. Department of Corrections and Rehabilitation. (Oral argument held December 4, 2007).
15. **PSC NO. 07-04.** Appeal from Executive Officer's disapproval of Personal Services Contract for Psychological Services. Department of Mental Health. (Oral argument held December 4, 2007).
16. **CASE NOS. 07-1760 & 07-1848.** Appeal from dismissal. Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held December 4, 2007).

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

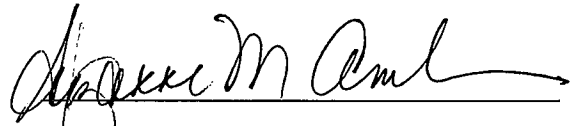
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on January 22, 2008.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

A handwritten signature in black ink, appearing to read "Suzanne M. Ambrose", written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board